

### 3.18 ENVIRONMENTAL JUSTICE

In February 1994, Executive Order 12898 was signed requiring all federal agencies to seek to achieve environmental justice by "... identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations." This section provides an overview of minority and low-income populations in the project area, and addresses potential effects that the project may have on these populations.

#### 3.18.1 AREA OF ANALYSIS AND METHODOLOGY

The study areas for environmental justice include identified minority or low-income populations likely to be affected by the project within Elko, Eureka, Lander, and White Pine counties. County-level statistics on minority or low-income populations were gathered primarily from the Nevada State Demographer and the U.S. Bureau of Census. Statistics on Native American populations in the project area were obtained primarily from the Bureau of Indian Affairs (BIA).

#### REGULATORY FRAMEWORK

##### Executive Order 12898

As explained above, Executive Order 12898 directs federal agencies to analyze environmental justice issues that could be involved in relation to a federal action (e.g., in this case, the action would be BLM's approval of SPPC's right-of-way grant application and the RMP amendments).

#### 3.18.2 AFFECTED ENVIRONMENT

This section provides an overview of minorities and low-income populations in the project area. The distribution of all races, including minority populations residing in the four-county project area and in the State of Nevada, is shown in Table 3.18-1. The demographic information presented was compiled from the Nevada State Demographer using 1997 population estimates. Minority populations in the four-county project area include African American, American Indian, Asian/Pacific Islander, and Hispanics. Persons of Hispanic origin may be of any race and are counted in the other racial categories.

**TABLE 3.18-1: POPULATION CHARACTERISTICS OF NEVADA COUNTIES (1997 ESTIMATES)**

Race	COUNTY				
	Elko	Eureka	Lander	White Pine	Nevada
White	43,570 (91%)	1,595 (96.1%)	6,638 (94.4%)	10,001 (94%)	1,558,629 (88%)
African American	364 (0.8%)	5 (0.3%)	10 (0.1%)	210 (2%)	131,323 (7%)
American Indian	3,387 (7%)	48 (3%)	366 (5%)	391 (4%)	31,366 (2%)
Asian/Pacific Islander	390 (0.6%)	12 (0.7%)	18 (0.3%)	39 (0.4%)	58,532 (3%)
<b>Total</b>	<b>47,710</b>	<b>1,660</b>	<b>7,030</b>	<b>10,640</b>	<b>1,779,850</b>
Hispanic Origin*	7,143 (15%)	160 (10%)	1,001 (14%)	1,066 (10%)	225,621 (13%)

\* Hispanic origin indicates an ethnicity, not a race, explaining the discrepancy in percentages

Source: Nevada State Demographer 1998

In Elko County, with a total 1997 population estimate of 47,710, the largest minority population is those of Hispanic origin, comprising 15% of the population. Native Americans comprise the second largest minority group, with 7% of the population. In Eureka County, with a total 1997 population estimate of 1,660, the largest minority population is those of Hispanic origin, with 10% of the population. Native

Americans comprise the second largest minority group, with 3% of the population. Lander and White Pine counties display similar population characteristics, with those of Hispanic origin and Native Americans forming the largest and the second largest minority populations, respectively. Compared with the State of Nevada as a whole, the four-county region has a slightly lower number of Hispanics, yet a slightly higher number of Native Americans. After Hispanics, African Americans make up the second largest minority population in the state, yet African Americans form a much smaller percentage of the population in the four-county project area.

The U.S. Bureau of Economic Analysis provides information on per capita income in the four-county project area and ranks counties for comparison within the State of Nevada. As shown in Table 3.18-2, residents of White Pine County have the lowest per capita income of the four-county region. The residents of this county also have the second lowest per capita income in the state of Nevada (ranked 16 out of 17 counties). Elko, Eureka, and Lander counties have slightly higher per capita incomes and rank near the middle of all counties in the state.

**TABLE 3.18-2: PER CAPITA MEDIAN INCOME BY COUNTY (1997)**

Area	Per Capita Income (Dollars)	State Ranking (out of 17 counties)
Elko	22,333	7
Eureka	21,961	8
Lander	20,985	10
White Pine	18,510	16
Nevada	26,514	-

*Source: U.S. Department of Commerce, Bureau of Economic Analysis 1999*

According to the U.S. Census, low-income persons are defined as those living in households that reported an annual income less than the United State official poverty level. The poverty level varies by size and relationship of the members of the household. In 1995, the poverty level for a family of four was \$15,500 (U.S. Census 1995). Table 3.18-3 provides 1995 information related to poverty for people of all ages within the four-county project region and compares them with the State of Nevada. As shown in Table 3.18-3, White Pine County had the highest percentage of people living in poverty (11%) of the four-county region. This figure is the same, however, as the percentage of people living in poverty in the State of Nevada.

**TABLE 3.18-3: COUNTY ESTIMATES FOR PEOPLE OF ALL AGES IN POVERTY (1995)**

County and State	Number	Percent
Elko	3,015	7%
Eureka	158	10%
Lander	533	8%
White Pine	1,040	11%
Nevada	167,315	11%

*Source: U.S. Census Bureau 1995*

## NATIVE AMERICAN COMMUNITIES IN THE PROJECT AREA

Population and income statistics provided previously were derived from county-level information. These figures are typically driven by populated areas of the county, such as towns and cities, since rural populations in this part of the state are relatively low. As a result, statistics on minority and low-income populations, including African Americans and Hispanics in the project area, are also derived from the county's urbanized areas, such as the towns and cities of Elko, Wells, Eureka, Ely, Crescent Valley,

Austin, and Battle Mountain. Minority and low income populations of Native Americans, however, are primarily located on reservations in the project area. In the United States, rural poverty is disproportionately found on American Indian reservations (Summers 1995). There are eight Native American reservations in the project area<sup>1</sup>, with a total estimated resident population of approximately 3,000 tribal members.

Table 3.18-4 provides a summary of Western Shoshone population estimates, employment, and poverty statistics by title and reservation location. Most of the reservation statistics were compiled by the Nevada Indian Environmental Coalition (NIEC) for the BIA. As shown in Table 3.18-4, of the nearly 3,000 reservation residents in the project area, approximately 1,400 tribal members were available for work, and 830, or 60%, of the work force was unemployed in 1997. On average, 45% of the employed reservation residents in the project area lived below the poverty level (BIA 1997). A brief description of the reservations and their distance from the project is provided below.

**TABLE 3.18-4: NATIVE AMERICAN RESERVATION POPULATION, EMPLOYMENT, AND POVERTY IN THE PROJECT AREA (1997)**

Western Shoshone Tribe/Reservation	Location	Total Residents	Labor Force	Employed	Percent Below Poverty Level (Employed)
South Fork Band	Lee	101	82	39	13%
Elko Band	Elko	616	352	250	36%
Wells Band	Wells	77	54	17	82%
Battle Mountain Band	Battle Mountain	178	100	46	52%
Ely Shoshone Tribe	Ely	350	139	49	33%
Duckwater Reservation	Duckwater	318	205	41	24%
Duck Valley Reservation (Nevada only)	Owyhee	1,233	732	357	39%
Yomba Reservation	Austin	112	52	28	86%
<b>Total</b>		<b>2,985</b>	<b>1,416</b>	<b>827</b>	<b>45% Average</b>

Source: Bureau of Indian Affairs, Labor Force Report (1997)

### **South Fork Band**

The South Fork Band of the Te-Moak Tribe of Western Shoshone has 15,680 acres of tribal lands located in the town of Lee, approximately 30 miles south of the City of Elko in Elko County via State Route 228. Approximately 100 people live on this reservation, which was established in 1934 under the Indian Reorganization Act. The South Fork Band is located approximately 28 miles away from the closest proposed transmission line segment and approximately 33 miles from the Falcon substation.

### **Elko Band**

The Elko Band of the Te-Moak Tribe of Western Shoshone has 192 acres of land within the City of Elko. Approximately 352 people live on this reservation, which was established in 1918 by Executive

<sup>1</sup> Native American reservations within the project area encompass a larger study area than for other minority or low income populations (the four-county region), as these tribal entities are the "Falcon to Gonder Project American Indian Tribal Organizations of the Region," and are interested parties in the public participation process of this EIS.

Order. The Elko Band is located approximately 32 miles away from the closest proposed transmission line segment and approximately 37 miles from the Falcon substation.

### **Wells Band**

The Wells Band of the Te-Moak Tribe of Western Shoshone has 80 acres of land approximately one-quarter mile west of the City of Wells in Elko County. Approximately 77 people live on this reservation, which was established in 1977 by Public Law #95-133. The Wells Band is located approximately 85 miles northeast from the Falcon substation.

### **Battle Mountain Band**

The Battle Mountain Band of the Te-Moak Tribe of the Western Shoshone has 683 acres of land about one mile west of Battle Mountain in Lander County. Approximately 178 people live on this reservation, which was established in 1918 by Executive Order. The Battle Mountain Band is located approximately 20 miles away from the closest proposed transmission line segment, and approximately 30 miles from the Falcon substation.

### **Ely Shoshone Tribe**

The Ely Shoshone Tribe has nearly 100 acres of tribal land in three separate locations on the southwest and southeast sides of the City of Ely in White Pine County. There are approximately 350 people living on the tribal lands, which were established in 1931 by Authority of the Act of 27 June 1930, and increased in size in 1977. The Ely Shoshone tribal lands are located approximately 10 miles from the Gonder substation.

### **Duckwater Shoshone Tribe of the Duckwater Reservation**

The Duckwater Reservation is located in Duckwater, Nye County, approximately 19 miles northwest of Curren, on State Route 379. The reservation is 3,814 acres in size and was established in 1940 by the Indian Reorganization Act. There are approximately 318 people living on the reservation, which is located approximately 30 miles away from the closest proposed transmission line segment.

### **Shoshone-Paiute Tribes of the Duck Valley Reservation**

The Duck Valley Reservation is located in Owyhee on the Nevada-Idaho border, approximately 96 miles north of Eureka County via State Route 225. The reservation is 289,819 acres in size and was established in 1934 by the Indian Reorganization Act. There are approximately 1,233 people living on the reservation, which is located approximately 75 miles north from the Falcon substation.

### **Yomba Shoshone Tribe of the Yomba Reservation**

The Yomba Reservation is located approximately 55 miles south of the town of Austin in Nye County via State Route 21. The reservation is 4,718 acres in size and was established in 1934 by the Indian Organization Act. Approximately 112 people live on the Yomba Reservation, which is approximately 80 miles west from the nearest proposed transmission line segment

## **3.18.3 ENVIRONMENTAL CONSEQUENCES**

This section identifies the project's potential for disproportionate effects on minority and low-income populations. This section also provides a discussion of the proactive efforts taken by the applicant to ensure meaningful participation in the project from minority and low-income groups.

## SIGNIFICANCE CRITERIA

The project would be considered to have a significant adverse impact to minority or low-income communities if:

The transmission line would pass directly through or adjacent to a minority or low-income community, such that the community would be subject to a disproportionate share of adverse health effects, reductions in land values, or restricted access to needed services.

## POTENTIAL EFFECTS ON MINORITY AND LOW INCOME COMMUNITIES IN THE PROJECT AREA

All corridor segments would be aligned through unpopulated or sparsely populated areas. None of the segments would pass through or near minority or low-income communities. The three segments closest to populated areas include the following:

- Segment B, approximately 2 miles west of the town of Crescent Valley.
- Segment I, approximately 28 miles north of the town of Eureka.
- Segment J, approximately 6 miles north the town of Ely.

Due to the distance between these segments and the towns of Crescent Valley, Eureka, and Ely, the project would have little or no discernable effect on minority or low-income populations who may reside in these towns. Due to the sparsely populated nature of the project area, the project would not affect substantial numbers of minority or low-income populations in the rural portions of the counties.

An average of approximately 45% of employable Native American reservation residents in the project area live below the poverty line. However, none of the route alternatives would pass through or near the eight identified Native American reservations in the area. The reservation closest to any segment is the Ely Reservation, located approximately 10 miles from the Gonder substation and Segment J and, thus, would not have any discernable effect on Native American populations in this area.

As a result, none of the route alternatives would disproportionately affect concentrations of minority and low-income populations, including those living nearby cities, and towns, or rural areas or on Native American reservations. Therefore, no mitigation measures would be required.

The project may have positive effects on minority and low-income populations in the project area. Benefits may include increased construction-related employment, increased spending, and expanded tax bases in the local economies (see Section 3.15, Social and Economic Values). Native Americans in the project area may benefit from further Western Shoshone studies, such as the development of oral history projects, associated with cultural resource mitigation measures (see Section 3.16, Cultural Resources).

## ENVIRONMENTAL IMPACTS – COMPARISON OF ALTERNATIVES

### Impacts Common to all Route Alternatives

In general, the construction and operation of the project would have no substantial adverse effects to minority or low income communities within the project area. The project may, however, have a positive indirect effect on low income or minority communities. These effects are as described below.

### **Project Participation by Minority and Low Income Communities**

The BLM has undertaken a number of efforts to ensure meaningful participation from minority and low income populations. Representatives from local tribes have participated in the cultural resource studies

initiated by the BLM, including participation by Western Shoshone tribal representatives in cultural resource surveys and inventories, as well as oral interviews and meetings with Western Shoshone tribal members and as survey crew members for traditional cultural property (TCP) and ethnohistoric/ethnographic studies.

The BLM also held a series of public meetings in the towns of Ely, Eureka, Carlin, and Crescent Valley to encourage public participation in the project's review, including public scoping meetings and other public process meetings, as required by NEPA. The BLM has specifically targeted Native American organizations in the region to participate in the public process.

SPPC has hiring and contracting policies in place to ensure meaningful participation from minority and low-income populations. Approximately 30 to 40% of the project workforce (45 to 60 people) would be local unskilled labor (see Section 3.15, Social and Economic Values, for further detail). The project work force would be directly hired by the prime contractor selected to complete the project. The prime contractor would then most likely hire other subcontractors to fulfill the labor requirements (personal communication with John Berdrow, SPPC, August 14, 2000). Depending on the availability of the local workforce and whether the selected prime contractor is a union contractor, these jobs may be advertised in the local Ely, Battle Mountain, or Elko newspapers as an opportunity to apply for project-related employment (personal communication with Randy Kashaba, SPPC, August 15, 2000). It is uncertain how many minority and low-income individuals would be hired specifically for the project, however, increases in project-related employment and other expenditures in the region may also bring indirect and temporary economic benefits to low-income and/or minority populations.

### **Proposed Measures to Avoid Impacts to Minority and Low-Income Communities**

BLM has taken a number of measures to avoid impacts to minority and low income populations. These measures include intentional routing of transmission line segments away from populated areas that may contain low income and minority communities, as well as away from Native American reservations. Route alternatives and segments were selected to optimize the use of public land and minimize the use of private land.

The general public, including minority and low-income communities, is encouraged to become involved in project review and the selection of the preferred route alternative through the NEPA- public participation process and the local permitting process.

### **Access Road Impacts**

The improved access roads leading to the project construction sites would be located within a sparsely developed region. The roads would not pass through or adjacent to a minority or low-income community. No Native American reservations would be affected by access road construction activities. For this reason, access road improvements would have no effect on minority or low-income communities.

### **Alternative-Specific Impacts**

No direct or indirect impacts to minority or low-income communities were identified for any of the route alternatives.

## **RESIDUAL IMPACTS**

No adverse effects to minority or low income communities were identified on a project-wide basis, or for any of the project segments. Therefore, no mitigation measures would be necessary. As a result, the project would have no residual impacts to minority or low income communities.

## **NO ACTION ALTERNATIVE**

Under the No Action Alternative, impacts to low-income or minority populations could occur in other areas as SPPC and the Nevada PUC would begin emergency planning efforts to pursue other transmission and/or generation projects to meet the projected energy shortfall.

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